GRS IX 5]

Previous references. (1922-3 Mug)

File No. 59 1922-

Serial Nos. 49-52

Later references.
59-22-63864

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 49, 52

Part B for May 1925

SUBJECT

Revenue application of Lakshmanrayya ~~to~~ Inam of Bhandarkere mutt re [illegible] to Bhandarkere mutt

Encl n 1895/m 59-22-52 & 4-5-25 stating that the orders already passed cannot be reconsidered

18/5/25

G. R S. 11] 1922

GENERAL AND REVENUE SECRETARIAT.

(Jud.)

NOTES.

File No. 59/1922

FILE HEADING.

Review - application of Lakshminarasachar alias Achannachar of Bhimanakatte.

From

Lakshminarasachar through his Advocate Sri K. Shankaranarayana Rao

No. Petition Dated Received 15/4/25.

Diary No.	Enclos.	Spare Copies	Serial No.
1631			49.

BRIEF ABSTRACT OF LETTER.

Prays for a re-consideration of the G.O. No 1348 dt 14.3.25 recognizing the right of the Dharmika Bhandarakara Math to nominate a Successor to the Peetah of Bhimanakatte Math

NOTES AND ORDERS.

and that pending the disposal of his application etc, Govt may direct Stay of proceedings in the case.

The dispute relates to the right of the nomination of a Successor to the

NOTES—First Sheet.

G. R. S. III-2]

Muzrai Secretariat | Muz. File No. 59 of 1927

Serial No.

Vacant Peetah of Bhuvana-
kotte Math.- The peti is the
father of the beneficiary under
a will said to have been
executed by the late Bhuvanakotte
Swamy, and his opponent is
the Dwandwa Bhandarakere
Math; the case having come
up before Govt, the Hon'ble
Hon'ble members of Council (the
present Hon'ble member of Council)
heard the contending parties
and their Advocates, having
given them more opportunities
than one, to state their case
the connected records were
submitted to H. H. the Maharaja
and under the gracious orders
of His Highness, the peti's claim
was rejected, and the rights
of Bandarakere Math to select
a nominee to Bhuvanakotte
Math, was recognized.

G.O. no. 1348.
dt 14. 3. 1928.
E

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

Serial No.

Lakshmiananachar has put in a review application for a re-consideration of the said order. The grounds for review are summarized in the application. The S.D. Sangat to be reviewed is explanatory, and goes fully into the grounds now urged.

Para 5 of the application states that the Bandarakere swamy was past 16 years when he was ordained by the Shankaracharya swamy and that an issue ought to have been raised (para 6). This does not seem to be correct. During the final hearing of this case, all the evidence tendered was taken into consideration by the members of Council. (Vide also Hag S.). Govt have recognized the succession of the present Bandarakere swamy and the arrears of claim & arrears of [illegible] have been ordered to be investiga

(Page 12 of the office note in Hag S. No. 1922 of 19 C.)

NOTE—Contn sheet

Muzrai Secretariat | Muz. File No. 59 of 192

Serial No

Para 10 of the application says that Swt have given effect to the oral nomination made by the late Swamy of Sri Sringeri Mutt etc. Mark. It is submitted that this is not a Dwandwa Mutt like Binnamakatte and Bhandarakere Mutts in respect of which a different practice and custom have been recognized.

Para 15 of the application states that the nominee of the late Swamy was actually below 16 years when the nomination was made but the delay in ordaining is due to protracted enquiry.

This point was urged by Mr. Shankaranarayana Rao and was taken into consideration before passing the first order. It is submitted that according to the late Bhimanakatte Swamy's will of July 1922,

NOTE—Contn sheet

WD 0561 -GPB- 3750—1 8 22

G. R. S. III. 2]

1631

Muzrai Secretariat | Muz. File No. 59 of 192 2

Serial No.

9

The age of Balakrishnacher was nearly 12 (Cf to Dc 12). The present petr. who is The said Balakrishnadas's father, produced the horoscopes of the boy on 17. 3. 24 (a few days before The Dy. Cmrs. report after due enquiry to The Muz. Cmr.) pointing out That the boy had passed 14 at the time of The petn. and ~~that~~ was not 12 as indicated therein) - There has been delay on his part in producing These horoscopes - There are no fresh grounds for a re-consideration submitted. (For orders) of G.O. in question

M

N

16/4/25 Th. 4.25

Mr. Bell

Mr. Bell rejected

16 4 25

Mr. Bell

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

R. S. III. 2]

Muzrai Secretariat | Muz. File No. 59 of 192 V.

Serial No.

The petr asks for a stay order and further enquiry = for which

1(M)

I do not see grounds to modify the previous order which was passed after a careful consideration of the facts of the case. After giving a full hearing to both parties.

The petr will be informed accordingly

Obn. exists for the order is as above.

52 In the petitioners Munsif his Advocate Mr. K. Venkataramayana Rao. M.P. dt. 4.5.25. Informs him that I do not see grounds to modify the previous order which was passed after careful consideration of all the facts of the case.

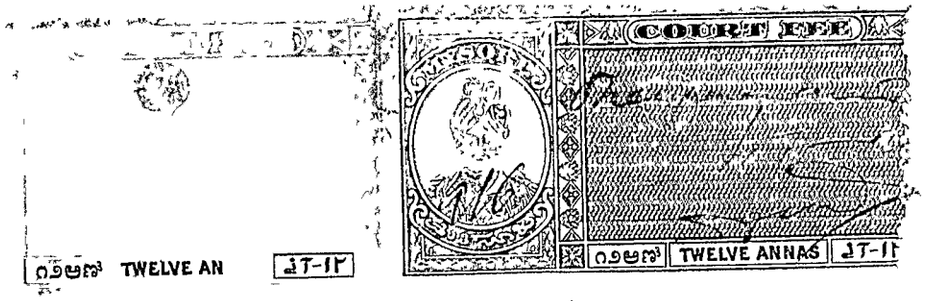
Muzrai Secretariat M.P. dt. 4.5.25.

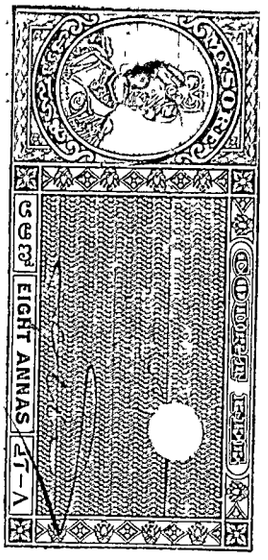
"A" copy of the above in envelope of the 4.5.25

1925.

NOTE—Contn. sheet

WD 0561—GPB—9750—1 8 22





BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE, BANGALORE.

Muz. Review Petition No.

GEN. & REV. DEPT.
15 APR 1925
MYSORE

K. Laxminarayana Achar, resident of Bheemanakatte. (Guardian of the nominee of the Petitioner the Cutcherry Swami of the Bheemanakatte Mutt) } Petitioner.

Vs.

Sri Swami of The Bhandarakere Mutt. } Opponent.

The Petitioner begs to prefer this application and respectfully prays that the Government may be graciously pleased to review the order passed in appeal No.11 of 24-25, on the following among other grounds, viz:-

1. That there was no issue before the lower court regarding the age of the boy and also the real meaning of Bala Brahmachari and the practice and usage thereon.

2. That the practice and usage prevailing in the 8 Mutts of Udpi clearly establish that by the term "Bala Brahmachari" it is understood that the person should be one who is from his childhood a celibate and not married, and there is no rule or sastra whereby it is obligatory that the person to be ordained, must be below 16 years.

3. That the evidence given by the Swamis of the Udipi Matts and their Pandit Padmanabhacharya in Madras H.C. C.M.P 1679 of 1917(Viswandra Tirtha Swami is Raghu Bhushana Thirtha Swami) - clearly establishes the usage and meaning of the expression"Bala Brahmachari".

4. That, by their evidence, this Hon'ble Court will be pleased to notice the age when the swamis were ordained, which is tabulated hereunder.

Puttige swami	has ordained	when	22	years old
Pejavar	"	"	17	"
Palimar	"	"	18	"
Previous Bhandrakere	"	"	19 or 20	"

The Opponent who is the present Bhandarkere Swami was past 16 years when ordained.

(Not relevant) 5. That the copy of the bond produced - herewith clearly shows that the Swami of the - Bhandarkere Mutt was past 16 years of age when he was ordained by the late Swami of the Bhimanakatte Mutt.

6. That an issue ought to have been - framed on this point and opportunity given to the parties to adduce evidence before raising the point and deciding it.

7. That your humble Petitioner has been prejudiced by this ommission in the procedure.

8. That egen according to the interpretation of the term "Bala Brahmachari" now put on it by the Government, it clearly follows that in as much as the Swami of Bhandarkere was himself ordained after he was sixteen years of age, he is not a properly ordained Mattadhipathi himself, and is, therefore, not competent to ordain

or

or nominate another Swami in succession to the Bhimankatte Mutt.

9. That the said Swami of the Bhandarkere Mutt is not competent to exercise his - powers of nomination to the Bhimankatte Mutt, because of the above defect in his own position.

10. That Government have not taken into consideration the precedent of a similar instance which happened in the case of Sringeri Peetha, when His Holiness the late Swamigalavaru orally expressed the name of the successor Successor, His Highness was pleased to give effect to the oral ~~expression and~~ nomination made and installed the nominee who is no other than His Holiness the present Swamigalavaru nowoccupying the - Peetha.

11. That it is a common practice prevailing in the Udipi and other Mutts to nominate their successors by will.

12. Further, your humble Petitioner wishes to emphasize very strongly the need for much regard and respect to be paid to such last declarations embodied in ~~and~~ wills in matters of nomination as being in immediate apprehension of death, the testator will be guided solely by spiritual considerations and the future welfare of the Mutt and its deciples.

13. That Government may be pleased to observe that the nominee of His Holiness the late Swami was examined with the Nominee of the Bhandarakere Mutt by Messrs. Aravamudu Iyengar and A. K. Syed Taj Peeran, who

have

have both recorded in unambiguous terms the competency of the nominee of the late Swami and the nion of the former is entitled to very great weight as he was intimately connected with the Muzrai Depai ment for a very long time and well versed in the Shastras.

14. That the Opponents have not placed any materials before Government to invalidate the nomination on any valid grounds.

15. That the nominee of the late Swami was actually below 16 years when, the nomination was made and even during the pendency of the proceedings before the Deputy Commissioner of Shimoga, but the delay in ordaining the nominee is solely due to the protracted enquiry which was purposely prolonged by the Opponents with the fraudulent intention of raising such objection.

16. That the decisions quoted before the lower courts are all applicable to this case and - 34 Indian Cases 520 has no application, as the question now being considered did not arise there.

17. That Government have not been pleased to give due weight to the additional fact (a) that the Swami of the Bhandarakere Matt is heavily involved being indebted to the Admar Mutt, who is working against the Bhimanakatte Mutt on account of the long standing ill-will between them; (b) that there is an agreement in force between the Bhandarakere Swami and the Admar Swami according to which all the properties of the former including the idols of worship have to be (and they are) in the possession of the latter till the debt is discharged and the former has to receive only a monthly maintenance of Rs.25/- or Rs.50/- per mensem and (c) that the opponent Swami

was

was himself ordained when he was over 16 years of age.

18. That this Hon'ble Court may be pleased to consider whether, under the circumstances, the power of nomination invested will be properly used for the spiritual benefit of the deciples and of the investiture or whether it may not be abused.

19. That, in the interests of justice and welfare of the Mutt, the Petitioner prays that this Hon'ble Court may be pleased to review the order, reopen the proceedings, frame an additional issue and receive evidence, if necessary, and confirm the nomination made by the late Swami of the Bhimanakatte Mutt.

20. The Petitioner begs to state that the Bhimanakatte Mutt is one of the oldest and historic Mutts in the State and is the leading Mutt of the Madhwa Community. The Opponent, taking advantage of the order has latterly become aggresively active and has been attempting to nominate his own candidate, without any regard to the well-being of the Mutt. If the Opponent be allowed to effect nomination and to complete the other ceremonies he is attempting the Petitioner will be very greatly prejudiced and will suffer considerable loss and hardship, which cannot be sufficiently compensated for, in the event of his succeeding in the case, ultimately. The Petitioner further begs to submit that he is submitting a Memorial for the gracious consideration of His Highness the Maharaja of Mysore, as soon as he obtains a copy of the order which is

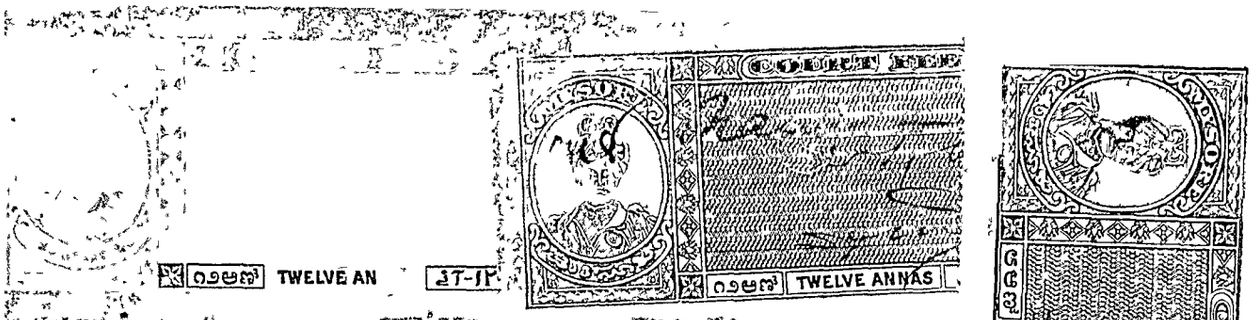
under

under preparation. Under the above circumstances, the Petitioner respectfully prays that, pending the disposal of this Review Application and his memorial to - His Highness the Maharaja, the Government may be pleased to pass an order directing stay of proceedings in the case.

BANGALORE
April '25

I, the Petitioner abovenamed, do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

BANGALORE
April 25



ವಕಾಲತ್ತು ನಾಮೆ

ತಿರುವಾಗ್ಗೆ Bellary Govt. H.H. the ಕೋರ್ಟಿಗೆ.
Maharaja Jayam, B

192 4 – 1925 ನೇ ಇಸವಿ Manjara Reviewer. ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್	ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್
ಯಾ ಅಪ್ಪೀಲೆಂಟ್	ಯಾ ರೆಸ್ಪಾಂಡೆಂಟ್.

Lakshminarayana chetty ... Vs. Sri Swami ... Bhandarkaleswami

ಶ್ರೀಮಾನ್ ಎ. ಕೆ. ಶೆಂಕಟರಾಮಾಲಂಕಾರ್, M.A. B.L. Advocate

ಮು॥ರಾ॥ಟಿ. ವೆಂಕಟಸುಬ್ಬಾಶಾಸ್ತ್ರಿ, ಬಿ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ., ಅಡ್ವೊಕೇಟ್, ಇವರಿಗೆ—

..... ವಾದಿಗಳು ಒರೆಸಿಕೊಟ್ಟ **ವಕಾಲತ್‌ನಾಮ.**

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು $\frac{\text{ನನ್ನ}}{\text{ನಮ್ಮ}}$ ಪರವಾಗಿ ಆಬೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಎವಾದ ಜರಗಿಸುವುದಕ್ಕೂ, $\frac{\text{ನನ್ನ}}{\text{ನಮ್ಮ}}$ ಪರ ಆಗುವ ಎಲ್ಲಾವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, $\frac{\text{ನನಗೆ}}{\text{ನಮಗೆ}}$ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಸಿಲ್ಕು ಮೊಬಲಗು, ರೀಫಂಡು ಸ್ಟಾಂಪುಮೊಬಲಗು, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾವಾಸುಪಡಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇ . ಅಲ್ಲದೆ ತಾವಾಗಲೀ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ $\frac{\text{ನಾನು}}{\text{ನಾವು}}$ ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿದ್ದೇ

ತಾರೀಖು 192
.....

ರುಜು ಶ್ರೀ. ಕೆ. ಲಕ್ಷ್ಮೀನಾರಾಯಣಚೆಟ್ಟಿ

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

ಪಟೇಲ್ ಯಾ ಶ್ಯಾನುಭೋಗ್.

ಅಡ್ವೊಕೇಟ್.

1627—24 ಬೆಂಗಳೂರು ಪ್ರಸ್

App P.VI G1]

SUBJECT

Section Mag.

File No. 59-46

Serial No. 1595

Through the Deputy Commissioner, South Kanara

No.

Diary No of letter replied to

General and Revenue Secretariat

( )

, the *192*

To

Endorsement granted to B. K. Lakshmi Narayanadas of Bhimanakatte, Jeddahalli Jahgir, with reference to his review application reg. no. 1631 B 14th April 1925 praying for a re-consideration of Govt order no. 1348 Mag 59-22-46 B 14th March 1925 recognizing the right of ~~Dharmadhikari~~ Sri Bhandaradakere Mutt in the Udipi Taluk to nominate a successor to the Pithadipathi of Sri Bhandaradakere

Date of issue 4-6-25

Signed by Mag T R

List of enclosures

Copied by

Examined by

over

in the Sitamarhi Taluk

The petn is informed that Govt do not see grounds to modify the previous order ~~of March 1925~~ which was passed after a careful consideration of all the facts of the case and after giving a full hearing to both parties. The review-application is accordingly rejected.

By order

30.4.25

Dy Rev Secretary

29.4.25

Copy to the Inst. 1596

Copy in continuation of Fo no. 1348 - Inst. 4.5.25

59-22-46 dt 14-3-1925.

By order,

30.4.25

Dy Rev Secretary.

29.4.25

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 1348--Muz. 59-22-46, dated 14th March 1925.

Sri Bhimankatte Matt, Tirthahalli Taluk.

Passes orders *re* the right of the Swami of the Bandarkere Matt to nominate successor to ——

Muzrai Appeal No. 11 of 1923-24.

Petitioner.	Vs.	Counter Petitioner.
Swami of Sri Bandarkere Matt at Udipi.		Vedamurthi Balakrishnachar by his father and guardian Lakshminaranachar *alias* Achannachar.

Subject:

Right to the nomination of a Swami to the Sri Bhimankatte Matt in the Tirthahalli Taluk.

DECISION:

Sri Raghubhushana Tirtha Sripadangalavaru, the Swami of the Bhimankatte Matt having passed away on 9th July 1922 at Sathi village, Athini Taluk, Belgaum District, one Vedamurthi Balakrishnachar through his father Lakshminaranachar applied for recognition of his right to succeed to the office on the strength of a will said to have been executed by the deceased Swami nine days before his death, nominating him as his successor. As this application was opposed by the Swami of the Bandarkere Matt at Udipi, who contested the validity of the alleged will and claimed the right of appointing his nominee to the vacancy, the Deputy Commissioner of Shimoga held an enquiry into the matter as required by Government. He found the will to be genuine and recommended to Government that Vedamurthi Balakrishnachar's succession to the Matt might be recognised. The Deputy Commissioner's recommendation was supported by the Muzrai Commissioner.

2. The Swami of the Bandarkere Matt having, however, submitted a representation to the Government protesting against the finding and recommendation of the Deputy Commissioner and requested for a hearing being given to him by Government, the case was finally heard on 10th January 1925 when Mr. D. M. Ramachadra Rao appeared on behalf of the Bandarkere Matt and Mr. Shankaranarayana Rao on behalf of Vedamurthi Balakrishnachar.

3. The claim of the applicant Vedamurthi Balakrishnachar is opposed by the Swami of the Bandarkere Matt on the following grounds :—

(1) that the will relied upon by the applicant is not genuine,

(2) that, even if it is genuine, it could not confer any right on the applicant inas-much as he was not ordained and given *Asrama* by the late Swami of the Bimankatte Matt,

(3) that in the absence of any person, properly ordained by the late Swami, to succeed to his Matt, the Swami of the Bandarkere Matt is entitled to choose his own nominee to the vacancy.

4. It has been decided by the Madras High Court in Raghubhushana Tirtha Swami and another V. S. Vidyanidhi Tirtha Swami and another (Vol. XXXIV Indian Cases) that the Bhimankatte and the Bandarkere Matts stand in the relation of Dwandwa Mattas, the incident of which is that the Head of either Matt has the right of appointing and ordaining a successor to the other when the Swami thereof dies without nominating a successor. The point for consideration, therefore, in this case is, whether there has

No. 1348—Muz. 59-22-46, dated 14th March 1925.

been such a valid nomination of his successor by the late Swami of the Bhimankatte Matt as to deprive the Swami of the Dwandwa Matt of Bandarkere, of his right to appoint his own nominee to the vacancy. The Deputy Commissioner has referred to certain decisions in support of the view taken by him that the Head of a Matt may nominate his successor either by will or by word of mouth and that the applicant Vedamurthi Balakrishnachar having been nominated by the late Swami of Bhimankatte Matt by means of a will was entitled to succeed to the Matt. The decisions quoted by the Deputy Commissioner, refer however, only to the ordinary modes of succession to Matts and they cannot be made applicable to a case like the one now under consideration in respect of which a different practice and custom have been recognised. So far as the Dwandwa Matts of Bhimankatte and Bandarkere are concerned, it has been clearly held by the Madras High Court in the case referred to above, that when the Swami of either Matt has not during his life time, *initiated into Sanyasam and ordained* any person to succeed him, the Swami of the Dwandwa Matt is entitled to nominate the successor and ordain him subject to the condition that the person so selected and ordained should be a Balabrahmachari at the time of his ordination In this case, the applicant has admittedly not been initiated into *Sanyasam or ordained* by the late Swami of the Bhimankatte Matt, but was only nominated by him as his successor in a will. Such nomination even assuming the will to be genuine cannot in the opinion of the Government entitle the applicant to succeed to the Matt to the prejudice of the right of the Swami of the Bandarkare Matt to select his own nominee and ordain him. Further, the Madras High Court having held that according to the practice in these Matts, a person ordained to succeed to the Matt should be a Balabrahmachari at the time of his initiation into *Sanyasam*, the applicant who has already passed the age of a Brahmachari is not qualified any longer for ordination and appointment to the Headship of the Matt For the above reasons, Government are of opinion that the request of the applicant Vedamurthi Balakrishnachar for the recognition by Government of his right to succeed to the Bhimankatte Matt cannot be allowed; and that the Swami of the Bandarkere Matt who has the right to nominate a successor to the vacancy and ordain him may be allowed to select a competent person who should be a Balabrahmachari according to the Madras High Court decision above referred to and report the name of the nominee for the approval of Government as required by the standing orders of Government.

Memo No. 1348-- Muz. 59-22-46, dated 14th March 1925.

Copy of the above is forwarded with compliments to the Muzrai Commissioner with the records received with the correspondence ending with his letter No. C. 52, dated 29th May 1924.

2 The Muzrai Commissioner in Mysore is requested to take further action on the above lines and submit the name of the nominee of the Bandarkere Matt for the approval of Government as early as possible.

By Order,
K. V. ANANTARAMAN,
Secy. to Govt., Rev. Dept.